

IN THE JUSTICE'S COURT OF SPRINGERVILLE PRECINCT  
COUNTY OF APACHE  
TERRITORY OF ARIZONA

Springerville, A.T.  
August 21, 1882

THE TERRITORY OF ARIZONA

VS

SS

JOHN UNDERWOOD and  
EBIN STANLEY

COMPLAINT

Personally appeared before me, this 21st day of August 1882, Joseph Bridger of Apache County and Territory of Arizona, who first being duly sworn, complains and says: That John Underwood and Ebin Stanley of the County of Apache, on or about the 15th day of August 1882, at the County of Apache, did knowingly and feloniously change, disfigure, alter and deface the ear marks of a certain steer yearling of the value of ten dollars, (\$10.00) the property of the said Joseph Bridger, for the purpose of stealing and to prevent the identity of the said yearling by the true owner and for the aforesaid felonious purpose, did, then and there brand the said steer yearling, all of which is contrary to the form of the Statutes in such cases made and provided, and against the peace and dignity of the Territory of Arizona. Said Complainant, therefore, prays that a warrant may be issued for the arrest of said John Underwood and Ebin Stanley, and that they may be dealt with according to law.

Signed, Joseph Bridger.

Subscribed and sworn  
on this 21th day of August 1882.  
A.V. Greer.

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IN THE JUSTICE'S COURT OF SPRINGERVILLE  
PRECINCT

COUNTY OF APACHE  
TERRITORY OF ARIZONA

Springerville, A.T.  
August 21, 1882

The Territory of Arizona: To any Sheriff or Constable of Apache County; Greeting.

A complaint, upon oath, having been this day laid before me by Joseph Bridger, that the crime of changing, disfiguring, altering and defacing the ear marks, and branding a certain steer yearling with felonious intent, the property of the said Joseph Bridger: And accusing John Underwood and Ebin Stanley thereof.

You are therefore commanded forthwith to arrest the said John Underwood and Ebin Stanley and bring them forthwith before me at my office in said Township, in said County of Apache, or in case of my absence or inability to act, before the nearest or most assessable. Magistrate in this County to be dealt with according to law.

Dated at my office in said precinct in said County of Apache, this 21st day of August, 1882.

A.V. Greer, Justice of the  
Peace of said Precinct

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IN THE JUSTICE'S COURT OF SPRINGERVILLE  
PRECINCT

COUNTY OF APACHE  
TERRITORY OF ARIZONA

TERRITORY OF ARIZONA  
VS  
JOHN UNDERWOOD AND  
EBIN STANLEY

Territory of Arizona; To Joseph Bridger, Greeting, You are hereby commanded to appear before me at my office on Monday, August 28th, 1882, at 8 o'clock a.m. as a witness in the above entitled cause, and to have, then and there the evidence having as much alterations adduced and branded J.U. in this case. Bring down said evidence with you under penalty of Law.

Given under my hand, this day  
the 26th day of August, 1882 A.D.

A.V. Greer,  
Justice of the Peace  
Springerville Precinct

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TERRITORY OF ARIZONA VS JOHN UNDERWOOD AND EBIN STANLEY

That was all the conversation as far as I remember. I went to see Mr. Stanley. I asked Mr. Stanley about the calf. Mr. Stanley said that he had a calf of that description. I asked Mr. Stanley where he got the calf. He said he got the calf off Mr. Finn Clanton. Stanley said that Mr. Clanton got the calf off a Mexican. Mr. Clanton also said that he got it off a Mexican, and he, Clanton, said that the calf was following Mrs Slinkarts cow. Mr. Stanley never proposed to make any distinction. Mr. Stanley asked me where the calf was. I told him it was below Mr Stanley's on Mr. Clanton's. Asked me if the calf was in a corral. I told him yes. Mr. Stanley and Mr. Clanton said they would come down to look at the calf. I remember no other conversation at that time. They did not ask me what corral. I told my brother if Mr. Stanley and Clanton should come there to send them over to Dr. Rudd's to see the calf in his corral. I took the calf over there for safe keeping, for fear someone might come and steal it. It was my intention to produce the yearling for identification. I do not know where the yearling is now. When I last saw the yearling, it was in the pasture. The yearling was taken out without my consent. I had the yearling side lined for fear he might get out. I saw where the fence was let down and horse tracks that went through the fence. I had hunted one full day for the yearling. My brother and Davis Rudd assisted me. I am positive that the yearling was mine, and. I bought 63 head of cattle. I don't remember what kind. I bought all kinds for domestic purposes. I keep up 5 cows. I haven't all my stock branded with my brand. I haven't rounded up all my cattle since I had them. Stanley told me some of my cattle was running about the Senaca Mara. (Ciénaga Amarillo). There is some of my cattle; I do not know where they are. My ear mark is an under bit and split in the right

ear, an under slope and an under split in the left. My brand is J Boot. My mark and brand is not recorded. There is some of my mark left on the ears. I didn't brand him at the time I branded the rest because he was poor and give out. About the 17th of June, Mr. Underwood told my brother that he was branding cows every day and that he branded two cows that morning. I am positive that Mr. Underwood said that he paid Mr. Stanley for looking after the cattle. I am positive that Mr. Clanton told me that he got the calf from a Mexican. Mr. Stanley never made any proposition to satisfy me for the calf.

I am not alone of this. Mr. Stanley asked me to get down and stay until after breakfast. Said that he and Mr. Clanton would come down and look at the calf. My brother says that Mr. Clanton came down. The calf wasn't at my house. The reason I had for not telling that the calf was at Dr. Rudd's was that I was afraid you (to Defendants) would go and get it. I had other business to attend to because you (to Defendants) had counterfeited the mark. I am positive the calf had the JU mark and brand (+R.T. W-A). The reason why I didn't tell them where the calf was because I was afraid they would take it so that the calf could not be brought in as evidence.

Signed, Joseph Bridger.

Sworn to before me and subscribed,

A.V.Greer, Justice of the Peace.

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Charles E. Wiltbank, Reside in Apache County, Arizona Territory, Occupation, A laborer.

I am acquainted with Joseph Bridger. I have sold him some cattle, viz, one speckled yearling heifer and a light red or white yearling bull. The bull was not marked when I sold him. I marked him for Joseph Bridger, upper and under slope in the left, split and upper bit in the right. There was no other marks or brands on the yearling. The yearling was called "Churn Dasher", the reason: he was poor and scrubby. The bull described in the bill of sale is the one we call "Churn Dasher." I reason he was eleven months old. I know the mother of the bull. She is now owned by Burk. I bought it of Eager with the cow. It is about one year since I bought the cow. I am not positive as to the time. I did not go with Joseph when he taken the yearling off. Alonzo Brown helped to drive the yearling off. Mr. Bridger paid me in dollars for the yearling. (+) I do not know that the yearling now in dispute is the one I sold to Mr. Bridger.

Signed, Charles E. Wiltbank

Sworn to before me and subscribed,

A.V. Greer, Justice of the Peace.

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Name, G.A. Truman, Residence, Apache County, Arizona Territory, Occupation, A laborer.

I was present when Charles E. Wiltbank sold Joseph Bridger a spotted yearling bull, light red and yellow spotted. It was a peculiar color. We called him "Churn Dasher" because he was a poor, onerously looking devil. I know the mother of the bull. Wiltbank did own the cow and

let Burk have her. I know of no other persons than Wiltbank and Bridger that have ever owned the bull. I think he was calved in June, 1881. I held the bull while Wiltbank marked him for Bridger. The mark and brand, it was an upper bid an under slope in the left ear and a split and an under bit in the right ear. I think this was the way it was marked. (The witness identifies the bill of sale and says it is the bull known as "Churn Dasher," and sold to Bridger.) I was present when Bridger started him with the bull. He had ten head of yearlings and one cow. (+) I do not know anything about the animal that you fellows are disputing about.

Signed, G.A. Truman.  
Sworn and subscribed to before me  
A.V. Greer, Justice of the Peace.

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Name, Alonzo Brown, Residence, Apache County, Arizona Territory, Occupation, A laborer.

I know that C.E. Wiltbank sold Joseph Bridger a yearling called "Churn Dasher". I was present when he left the corral to Springerville. He had 11 head of cattle. He never sold the bull called "Churn Dasher" while I was with him that I know of. (+) I do not know that the animal in dispute is the one we call "Churn Dasher". I could not tell without seeing him.

Signed, Alonzo Brown  
Sworn to before me and subscribed  
A.V. Greer, Justice of the Peace \$

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Francis Bridger, Residence, Apache County, Occupation, Ranching, a little stock cattle and horses.

I know that myself and brother own an animal that the ear marks has been changed and a brand put upon it. It was kinder reddish, yellow and white spotted bull. It was a color that I have not noticed around. Our ear mark was upon the animal before it was changed. Our mark is a split, an under bit in the right ear, and an under and over split in the left. The mark was changed to a crop and split in both ears. The crops were very short. The right ear was cut shorter than the left. Mr. Underwood's brand was put upon the yearling. It was JU. Mr. Underwood owns the mark and brand that was upon the yearling. I am acquainted with his mark and brand. I haven't seen any cut as short as on the yearling. I haven't seen any evidence of our mark on the yearling, was not near enough, since Underwood's mark was put upon it. I first discovered that the mark had been altered, it was last Saturday week. I spoke to Mr. Underwood about it. Mr. Underwood told me that he did not remember of any calf of that description with his mark and brand.

Mr. Underwood said that he was not responsible for his mark and brand. Said that Mr. Stanley did not get the cattle as he wanted them and that he employed Mr. Stanley to take care of the cattle and paid him so much. He said, when I spoke to him, that he could not do anything for us, that if he could help us he would.

Q. Did Mr. Stanley or Mr. Underwood ever call upon you about the yearling?

A. They did not.

Q. Did any party?

A. Yes, Phin Clanton.

Q. Did you tell him where the yearling was?

A. Yes, at your place. (Mr. Rudd's) He said he would not ride that far for a yearling. He said that he had traded Mrs Slinkart's yearlings to Mr. Stanley, for another. He said that he had turned them over to Mr. Stanley, that he would have it if it cost him \$500.00. I told him that it was not Mrs Slinkart's, that it was ours, meaning mine and my brothers, that I did not want any of Mrs Slinkart's cattle, that I wanted what belonged to me and my brother. Only, he said the yearling that he turned over to Mr. Stanley was following one of Mrs Slinkart's cows and that he drove it from Senaca Mara (Ceniga Amarilla). He said he did not know that the calf that we claimed was the one. I told him to go to Mr. Rudd's and he could see it. That is about as I remember it. When he first came he didn't say anything out of the way much., but after I had told him where the calf was he proposed to settle it, either by fighting or law. I told him I was no fighting man, that I did not want to have any trouble with anybody. If I had to fight, I would but a man had to urge it on to me before I would. He said that he never picked any fights with anybody. I told him neither did I. I told him I came to this Country with the expectation of living in peace, to make a living as I had elsewhere. That I had traveled a little, seen people, good and bad, that I had never had any trouble before this. I told him I never had fought but once and hoped I never would have to fight again. He spoke as if he had never fought but once. The under bit is our mark and is close to the head. I and my brother taken the calf there for safe keeping, to bring him up as evidence. The calf was the one with the mark changed with the Underwood brand upon it. I am positive that it was our property. My brother told me he brought it. He told me they call him "Churn Dasher" because he was poor. I know this to be the calf that had the mark changed.

Signed, Francis Bridger

Sworn to before me and subscribed

A.V. Greer, Justice of the Peace

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Name, John Lee, Residence, Apache County, Arizona Territory, Occupation, Ranching.

I know that Mr. Wiltbank had sold yearlings to Joseph Bridger. I know that he sold him a yearling. I believe they call him "Churn Dasher. There was marking done at the time. He said at the time to put the under bit as close to the head as possible. (+) He said that he did not know the yearling in dispute was the same, could not tell without seeing it.

Signed, John Lee

Sworn to before me and subscribed

A.V. Greer, Justice of the Peace.

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J.A. Rudd, Residence, Apache County, Arizona Territory, Occupation, A Laborer.

I know that Joseph Bridger brought a yearling to our house. Dr. Rudd owns the house. The yearling was branded JU, a smooth crop and a split in each ear. The brand was on the left ribs. The ears were cut rather short. The right ear was the shortest if I am not mistaking. I think it was the right.

Q. Did you see any evidence of an older mark?

A. I did. We roped the yearling in a corral to put it in a pasture for Mr. Bridger to side hobble the yearling and we threw him for that purpose and examined the mark. The old mark was more healed than the other. I could not tell what the old mark was. The mark was partially healed. During the examination, one of the ears was caused to bleed by the rope and horn. Jo Bridger, Dr. Rudd and my wife was present. Color of yearling, white and yellow spotted. I heard J. Bridger call the yearling "Churn Dasher". Joseph Bridger told me that he bought the yearling there to keep it for identification. I served a warrant upon Mr. Stanley and Mr. Underwood upon the charge of having altered the mark of this yearling. I first went to their residence and neither party was at home. I supposed from the conversation of the family that they anticipated my business. This was in the morning. The next morning I arrested Mr. Underwood. I think the next day, evening, I arrested Mr. Stanley. The cause of their absence was said to be hunting.

I stayed with them that night, all at the same place. I slept in the same room with Mr. Underwood, Isaac Clanton, John Gibbs and Finn Clanton. Mr. Stanley occupied an adjoining room. I think I slept sound. I woke but once. It is possible that persons might have left without my knowledge. The yearling was said to have been taken from the pasture that night. I was not at home. My brother, Davis Rudd, told me that the yearling was taken. The Defendants were with me at the time I received the information. Mr. Stanley said that he wanted to see the yearling. Said that it sucked his cow. (+) We examined the yearling close. The ears were healing. I could not see that it had been a mark but what I took to be the old mark. Looked older than the other. It was not like any mark that ever I seen, what there was of it.

Q. You often mark calves, do you?

A. I do.

Q. Does your knife ever slip?

A. It does and cuts the ear different from what you want to cut it. It never occurred to me that it might have been done with a knife, yet it might have been possible. I have noticed some calves in Mrs. Slinkart's corral with their ears cut short. Some of them were branded JU. I see yearlings on the range similar to the one in dispute. The reason that I anticipated that Mrs Slinkart anticipated that the family thought I was after the boys, was that she asked me if I had a warrant for the boys.

Q. Did you see anything the night you stayed with the Defendants? That is did you to believe that anyone left the house?

A. I did not.

Q. Did you next morning?

A. No, there were no horses confined near the house that I know of. (+)

Q. Were the crops cut square?

A. They were. The evidence of an ear mark we supposed to be an under bit. When we examined it, Mrs Slinkart asked me if I had a warrant. I said yes. She said we supposed so from the fact of their taking the yearling to your place.

Signed, J.A. Rudd  
Sworn to before me and subscribed  
A.V. Greer, Justice of the Peace.

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Name, Davis B. Rudd, Residence, Apache County, Arizona Territory, Occupation, Farming.

Jo and Francis Bridger brought a yearling to our place for identification. It was called "Churn Dasher". It was branded, JU, marked crop and split in each ear. The ears were cropped short. The right was the shortest. The yearling was taken from the pasture by tearing down the fence. There were horse tracks and the yearlings. I am acquainted with Underwood's mark. The ears of the yearlings were cut shorter than usual. I assisted in hunting the yearling. I examined the yearling as well as I could. I was not right as I did not see any other mark. I was not present at the cropping. I believe the yearling in dispute is the yearling known as "Churn Dasher."

Signed, Davis B. Rudd  
Sworn to before me and subscribed  
A.V. Greer, Justice of the Peace.

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The Defense called for the testimony for the Territory. It was announced closed. Then the Defense made a motion for subpoenas for witnesses. Motion was overruled on the grounds that the Defense had been notified of their rights to have of witnesses, and that they had stated that they wanted no witnesses, except those that were used for the prosecution, and for further reasons. That the Defendants wanted subpoenas for witnesses who had been present during the examination of the witnesses on the part of the Territory, and especially from the fact that the Defendants had requested to have all witnesses excluded from the examination, and further, That the introducing of such witnesses, as were so present on the present occasion, would be productive of bad results. But that the Court would issue process for witnesses who were not present during such examination. The Defendants being distinctly informed of their rights to make statements in relation to the charges against them. That they were at liberty to make statements in relation to such charges. The Defendants waived their rights to make statements and giving no reasons therefore. It appearing to me by the written depositions that the offense therein mentioned, the charge of altering the ear marks of a certain steer yearling, the property of one Joseph Bridger, and Branding said yearling for the purpose as charged in the complaint, has been committed and that there is sufficient cause to believe the within named, John Underwood and Ebin Stanley, guilty thereof. I order that they be held to answer to the same and that they be admitted to bail each in the sum of \$250.00 each and be committed to the custody of the County until they give such bail.

Given under my hand as such Justice,  
this 29th day of August, 1882.  
A.V. Greer, Justice of the Peace  
Of Springerville Precinct.



is under bit and split in the right ear, upper and under slope on the left. I taken the yearling to my Ranch. Juan Pama appointed me to drive the yearling to my Ranch from Springerville and Alonzo Brown from the place of purchase to Springerville. I have no other yearling of the same color. (Male) It was a peculiar colored yearling. We called the yearling "Churn Dasher." I discovered that the mark was changed last Saturday week and branded. The mark was chop and splitting each ear. The brand was JU. The ears were cut very short, part of the upper bit and slope remaining. The right ear was cut a little. (The short ear) I put the under bit almost to the head. Mr. Underwood uses the mark, crop and split, in each ear and the brand JU. There are no other parties owning that mark and brand of my knowledge. I have authorized no person to change or put the yearling in the JU mark and brand. I never altered the yearling. I noticed that the bull was altered after I noticed that the ear marks were changed. My brother asked Mr. Underwood where he branded cattle last. Mr. Underwood said he was branding cattle every day, branded 2 cows that morning. Mr. Underwood asked why my brother told him there was one of our yearlings branded in his brand, and the ear marks disfigured. And Mr. Underwood said that Mr. Stanley was responsible for the brand. Told Mr. Underwood that he heard that he had his cattle back. Mr. Underwood said that Mr. Stanley did not have the cattle as he wanted them. But Mr. Underwood said that he paid \$50 per month for looking after them. Mr. Underwood said, "Boys, if I could help you I would do it." Asked him who was helping Mr. Stanley brand. He said he helped Mr. Stanley. He said that he did not remember branding a calf of that description.

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IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT IN AND FOR THE  
COUNTY OF APACHE TERRITORY OF ARIZONA

To any Sheriff, Constable, Marshal or Policeman in this Territory Greeting:

An Indictment having been found on the 7th day of July A.D. 1883, in the District Court, in the County of Apache, charging the said Ebin Stanley with the crime of altering and defacing the ear marks, one head of neat cattle, viz; A yearling calf, with intent to steal the same; You are therefore commanded forthwith to arrest the said Ebin Stanley and bring him before this Court to answer the Indictment or if the Court have adjourned for the term, that you deliver him into the custody of the Sheriff of the County of Apache. Given under my hand this 7th day of July A.D. 1883 by order of the Court.

Alfred Ruiz, Clerk.

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TERRITORY OF ARIZONA :  
VS  
EBIN STANLEY AND  
PHINEAS CLANTON

BENCH WARRANT #30

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT IN AND FOR THE  
COUNTY OF APACHE TERRITORY OF ARIZONA

To any Sheriff, Marshal or Policeman in the Territory

Greeting:

An Indictment having been found on the 7th day of July A.D. 1883, in the District Court in the County of Apache, charging Ebin Stanley and Phineas F. Clanton with the crime of marking and branding one head of neat cattle, viz, a young calf, with the intent to steal the same. You are therefore commanded forthwith to arrest the said Ebin Stanley and Phineas F. Clanton and bring them before this Court to answer the Indictment or if the Court have adjourned for the term, that you deliver him into the custody of the Sheriff of the County of Apache. Given under my hand this 7th day of July A.D. 1883, by order of the Court  
Alfred Ruiz, Clerk.

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TERRITORY OF ARIZONA :  
VS  
EBIN STANLEY

BENCH WARRANT #31

The crime of branding one head of neat cattle, viz, one yearling heifer. The said Ebin Stanley is accused by the Grand Jury of the County of Apache and Territory of Arizona, by this Indictment, found on the 7th day of July A.D 1883, of the crime of a felony, committed as follows: The said Ebin Stanley, on or about the 15th day of August A.D. 1882, at the County of Apache, Territory of Arizona, did brand, with a brand, to wit: A JU which said Ebin Stanley was then using, one head of neat cattle to wit, a yearling calf which was not then his property, but which said yearling calf did at that time belong to and was the property of other persons, to wit; Joseph Bridger and Francis Bridger, and the said Ebin Stanley did said branding with intent thereby to steal said calf.

Wm. M. Rudd, District Attorney

Names of witnesses examined before the Grand Jury on finding the foregoing Indictment:  
Francis Bridger. James A. Rudd.

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TERRITORY OF ARIZONA :  
VS  
EBIN STANLEY

BENCH WARRANT #31

The said Ebin Stanley on or about the 15th day of August A.D. 1883, at the County of Apache, Territory of Arizona, did alter and deface the mark on each ear of one head of neat cattle, to wit: A yearling calf, by cropping and splitting each ear of said calf. Said mark being the one, then and there, used by said Ebin Stanley to mark his stock and the mark which was altered and defaced by the mark as above, being an under and over slope of the left ear and an under bit and split of the right ear, and being the mark then used by the mark of said calf as herein after stated to mark their stock. That said calf was not at said time the property of said Stanley, but was at said time the property of and did belong to other persons to wit; Joseph Bridger and Francis Bridger. That said mark was so altered and defaced by said Ebin Stanley with intent thereby to steal the same and prevent identification, thereof, by the true owners as aforesaid, contrary to the form, and force of the Statute in such cases provided and against the peace and dignity of the Territory of Arizona. Wm. M. Rudd, District Attorney,

Names of witnesses, Francis Bridger and James A. Rudd.

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THE TERRITORY OF ARIZONA AGAINST EBIN STANLEY AND PHINEAS F. CLANTON	IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT IN AND FOR THE COUNTY OF APACHE, TERRITORY OF ARIZONA INDICTMENT #32 A TRUE BILL
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The said Ebin Stanley and Phineas F. Clanton are accused by the Grand Jury of the County of Apache, Territory of Arizona by this Indictment found this 7th day of July A.D. 1883, of the crime of a felony, committed as follows: The said Ebin Stanley and Phineas F. Clanton on or about the 1st day of September A.D. 1882, of the County of Apache, Territory of Arizona, did mark and brand one head of neat cattle, to wit: A young calf, not their property, but belonging to and the property of another person, to wit: David Lee. The mark put upon said calf by said Ebin Stanley and Phineas F. Clanton, being as, crop and split of each ear and the brand put by them on said calf, being JU. The said brand and mark being the ones used by said Ebin Stanley and Phineas F. Clanton for identifying their own stock and the said marks and brand were by said Ebin Stanley and Phineas F. Clanton put upon said calf with intent thereby to steal said calf. Wm.M. Rudd, District Attorney.  
 Witnesses: David Lee, Samuel Lee and Thomas Burgess.

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| THE TERRITORY OF ARIZONA<br>AGAINST<br>EBIN STANLEY AND<br>PHINEAS F. CLANTON | IN THE DISTRICT COURT OF THE THIRD<br>JUDICIAL DISTRICT IN AND FOR THE<br>COUNTY OF APACHE TERRITORY OF ARIZONA<br>INDICTMENT #33 A TRUE BILL |
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The said Ebin Stanley and Phineas F. Clanton are accused by the Grand Jury of the County of Apache, Territory of Arizona, by this Indictment found this 7th day of July A. D. 1883, of the crime of a felony committed as follows; The said Ebin Stanley and Phineas F. Clanton on or about the 10th day of September A.D. 1882, of the County of Apache, Territory of Arizona, did mark and brand one head of neat cattle, to wit, One yearling heifer not their property, but belonging to and the property of another person to wit; John Hulsey. The mark put upon said yearling by said Ebin Stanley and. Phineas F. Clanton, being as, crop and split of each ear and the brand put on them the said JU. The said brand and mark being the ones used by said Ebin Stanley and Phineas F. Clanton for identifying their own stock and the said marks and brand were by said Ebin Stanley and Phineas F. Clanton put upon said yearling with intent to steal said calf. Wm M. Rudd, District Attorney.  
 Witness examined, John Hulsey.

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THE TERRITORY OF ARIZONA  
AGAINST  
EBIN STANLEY AND  
PHINEAS F. CLANTON

IN THE DISTRICT COURT OF THE THIRD  
JUDICIAL DISTRICT IN AND FOR THE  
COUNTY OF APACHE TERRITORY OF  
ARIZONA INDICTMENT # 34

The said Ebin Stanley and Phineas F. Clanton are accused by the Grand Jury of the County of Apache, Territory of Arizona by this Indictment found this 7th day of July A.D. 1883, of the crime of a felony committed as follows: The said Ebin Stanley and Phineas F. Clanton on or about the 20th day of August A.D. 1882, of the County of Apache, Territory of Arizona, did brand one head of neat cattle, to wit: a calf, not their property,, but belonging to and the property of another person, to wit One Charles Biggs. putting on the side of said calf the brand then used by said Ebin Stanley and Phineas F. Clanton. The said brand and mark being the ones used by said Ebin Stanley and Phineas F. Clanton for identifying their own stock and the said marks and brand were by said Ebin Stanley and Phineas F. Clanton put upon said calf with intent thereby to steal said calf. Wm M. Rudd, District Attorney.  
Witnesses examined, Charles Biggs and Samuel Lee.

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IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT IN AND FOR  
THE COUNTY OF APACHE TERRITORY OF ARIZONA

TERRITORY OF ARIZONA  
VS  
EBIN STANLEY

St. Johns, A.T.  
July 7, 1883

An Indictment having been found on the 7th day of July A.D. 1883, in the District Court of the County of Apache, charging Ebin Stanley with the crime of a felony and he having been duly admitted to bail in the sum of \$500.00. We, Soloman Barth and Ramon Lopez of St. Johns, County of Apache, Territory of Arizona, hereby undertake that the above named, Ebin Stanley, shall appear and answer the Indictment, above mentioned, in said Court and at all times render himself amendable to the order and process of said Court, and if convicted shall appear for judgment and render himself in execution thereof, or if he shall fail to perform either of these conditions that we will pay to the Territory of Arizona the sum of \$500.00. Signed, Sol Barth Signed, Ramon Lopez.

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TERRITORY OF ARIZONA  
SS  
COUNTY OF APACHE  
says that he is a resident and householder in the Territory of Arizona, and that he is worth the sum of \$500.00 over and above property exempt from execution. Sol Barth. Ramon Lopez.  
July 11, 1883.

Sol Barth and Ramon Lopez being  
first duly sworn, says for himself  
and not one for the other, upon his oath  
says that he is a resident and householder in the Territory of Arizona, and that he is worth the sum of \$500.00 over and above property exempt from execution. Sol Barth. Ramon Lopez.  
July 11, 1883.

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IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
COUNTY OF APACHE, TERRITORY OF ARIZONA

THE TERRITORY OF ARIZONA  
plaintiff :  
PHINEAS F. CLANTON and  
EBIN STANLEY  
defendant

SUBPOENA

THE TERRITORY OF ARIZONA send greeting to: John Underwood and Isaac Clanton. WE COMMAND YOU, that all and singular business and excuses being laid aside, you appear and attend our District Court of the Third Judicial District of the Territory of Arizona in and for the County of Apache, at a term of said Court, to be held at the Court House at St. Johns in the said County of Apache on the 16th day of July 1883, at 9 O'clock A.M., then and there to testify in the above entitled action now pending in said District Court, on the part of the Defendant. and for a failure to attend you will be deemed guilty of contempt of Court, and liable to pay all losses and damages sustained thereby to the parties aggrieved, and forfeit one hundred dollars in addition thereto.

WITNESS, Honorable, C.G.W. French  
Judge of the Judicial District at the Court House  
in the County of Apache, and the seal of said  
Court, this 16th day of July 1883. ATTEST my hand  
and seal of the said Court the day and year last  
above written. Alfred Ruiz, Clerk.

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THE TERRITORY OF ARIZONA  
plaintiff :  
PHINEAS F. CLANTON and  
EBIN STANLEY  
defendant

SUBPOENA

THE TERRITORY OF ARIZONA send Greeting to: John Hulsey, David Lee, Samuel and G. Lee, Thomas Burges, W.W.Pace, James A. Rudd, Francis Bridger, Burt Biggs, Charles Biggs, E.M.Brown, John Aday and M.A. Burk. WE COMMAND YOU , that all and singular business and excuses being laid aside, you appear and attend our District Court of the Third Judicial District of the Territory of Arizona in and for the County of Apache, at a term of said Court to be held at the Court House at St. Johns in the said County of Apache on the on the 15th day of July 1883, at 10 o'clock A.M., then and there to testify on the above entitled action now pending in said District Court, On the part of the plaintiff, and for a failure to attend you will be deemed guilty of contempt of Court, and liable to pay all loses and damages sustained thereby to the parties aggrieved, and forfeit one hundred dollars in addition thereto.

WITNESS, Honorable, C.G.W. French  
Judge of the Judicial District at the Court House  
in the County of Apache, and the seal of said  
Court, this 15th day of July 1883. ATTEST my hand  
and seal of the said Court the day and year last  
above written. Alfred Ruiz, Clerk.

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IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
TERRITORY OF ARIZONA IN AND FOR THE COUNTY OF APACHE

|                          |    |                      |
|--------------------------|----|----------------------|
| THE TERRITORY OF ARIZONA |    | TERRITORY OF ARIZONA |
| VS                       |    | COUNTY OF APACHE     |
| EBIN STANLEY AND         | SS | JULY 17, 1883        |
| PHINEAS F. CLANTON       |    |                      |

Ebin Stanley being first duly sworn upon his oath says:  
I am one of the Defendants in the above entitled case. John Underwood and Isaac Clanton are witnesses in said case whose evidence is material to the defense of said Defendants and without whose evidence Defendant cannot safely go to trial. That the Defendants know of no other person or witnesses by whom they can prove the same facts. That both of said witnesses are in Clifton in Graham County at a distance of 150 miles from the place of Trial, and their attendance at this term of Court cannot possibly be had. That they reside at Clifton, aforesaid. That the witness, John Underwood, is now suffering from a rupture as Affiant is informed and cannot make the trip from Clifton to this place at this time under any circumstance. That said Defendants expect to prove by said Underwood that the calf which it is alleged in the Indictment was stolen by the Defendants by the branding and marking thereof. That the Defendant following a cow belonging to the Defendant, Clanton, down to Clantons' Corral and was sucking said cow at said Corral, before said calf was branded. That the cow which said calf was sucking was a cow branded JB on the left hip and was marked with a crop off and a split on each ear and was branded the same, being a cow theretofore sold by one Joseph Bridger to said Underwood and by Underwood to the Defendant, Clanton. That Defendant expects to prove by the said Isaac Clanton the same facts as above set out as being the facts they expect to prove by the said John Underwood. That the Defendants have not severed or attempted to serve the subpoenas issued in this case on said action and witness. They know it to be impossible to serve such subpoenas by that time said subpoenas the day on which the Defendant plead to said Indictment.  
Subscribed and sworn, July 17, 1883. Signed, Ebin Stanley.  
We the Jurors in the case of the Territory of Arizona versus  
Phineas F. Clanton and Ebin Stanley, find the Defendant, not guilty.  
B.F.M. Blake, Foreman.